RECEIVED
CENTRAL FAX CENTER

JUN 0 2 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being sent via facsimile to the RightFax facsimile number provided on the PTO website for all facsimile transmissions (703-872-9306) on the date shown below. This facsimile transmission includes a total of 4 pages.

Claudia Bader
(Type or print name of person faxing paper)

Date: June 2, 20005

Claudia Bader
(Signature of person faxing paper)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket No: AVERP2720US

In re Appellants	Group Art Unit:	1771
Edward I. Sun et al.	Examiner:	D. Zirker
Serial No. 09/531,978	Confirmation No.:	6960
Filed: March 20, 2000		

For: CONFORMABLE AND DIE-CUTTABLE BIAXIALLY ORIENTED FILMS AND LABELSTOCKS

REPLY BRIEF

VIA FACSIMILE
M/S Appeal Briefs - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

This Reply Brief is submitted in the above-identified application in response to the Examiner's Answer mailed on May 11, 2005. In particular, Appellants' Reply Brief is directed to the following positions and statements made by the Examiner in the Examiner's Answer:

> As such, the resulting adhesive film, having been treated with an anisotropic effect, would inherently have the resulting tensile modulus in one direction, i.e., the machine direction, different than the tensile modulus in the cross direction, with the Examiner believing that what direction constitutes lengthwise or widthwise is inherent in, e.g., a square film which may labeled lengthwise or widthwise however Appellants' desire to do so; i.e., it is a semantic not a structural distinction. Pages 3-4.
>
> The reference makes out a clear case that the tensile modulus of this anisotropic treated film exhibits greater properties in one direction, call it either the machine or cross direction, than the other direction, call it either the machine or cross direction, which is all the Examiner is required to do. Page 6.

The Examiner is correct that to identify one side of a square film (standing alone) as the length, and another side of the square film as the width is arbitrary and semantic. However, Appellants are not claiming a square film, and the prior art JP '971 does not describe a square film.

Appellants' claims are directed to an adhesive labelstock characterized as having improved conformability, die-cuttability, and/or dispensability (page 4, lines 28-31). It is well known that labelstock (comprising film, adhesive and optionally a release liner) is prepared in roll form by extrusion or lamination (a long continuous film having a machine or lengthwise direction and a cross or widthwise direction), and that the facestock can be converted to labels by die-cutting label shapes into the facestock. Appellants' facestock structure contains an identifiable machine direction or lengthwise direction and a cross direction or widthwise direction.

In similar fashion, JP '971 has described the coextruded films prepared in the Examples and in the Comparative Examples as having a length and a width, and in JP '971, the films are oriented lengthwise and widthwise as described therein.

Thus, contrary to the Examiner's example of a square film, the identification of direction as machine or lengthwise direction and cross or widthwise direction in Appellants'

claims and in JP '971 are structural in nature-not semantic. Appellants' position is supported by the prior art which has been made of record in this application. For example, U.S. Patents 5,186,782 and 5,709,937, relied upon by the Examiner in the Office Action of January 30, 2002 defined the films described therein as having a distinct machine direction and a distinct cross direction, and the properties of the films in these two directions are reported therein, and they are not interchangeable. Many of the other prior art references of record in this application also refer to films as having a definitive machine direction and cross direction.

It is respectfully submitted that the Examiner cannot ignore the clear teaching of JP '971 that the coextruded multilayer films described therein were biaxially oriented lengthwise (3.5 times) and widthwise (9 times) and that the composite biaxially oriented polyolefin film of the Example had a Young's modulus of elasticity of 103 kg/mm^2 (147,000 psi) lengthwise and 180 kg/mm^2 (256,000 psi) widthwise. Appellants describe and claim a facestock useful for making labels which has a tensile modulus in the machine direction that is greater than the tensile modulus in the cross direction, and the tensile modulus of the multilayer film in the cross direction is 150,000 psi or less. Appellants and JP '971 describe a different orientation of the films, and the films which result have different characteristics.

Conclusion

For all of the above reasons, and the reasons presented in the Appeal Brief, the rejections of Appellants' claims 56-59, 61-69, 76-81 and 83-87 as being anticipated by or obvious over JP '971, and the rejection of claims 60 and 82 being obvious over JP '971 should be reversed.

If any additional fees are required for the filing of this paper, the Commissioner is authorized to charge those fees to Deposit Account #18-0988, our Order No. **AVERP2720US**.

Serial No. 09/531,978 Docket No. AVERP2720US

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By Armand P. Boisselle
Armand P. Boisselle
Reg. No. 22,381

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

Z:\SEC181\APB\AVER\RESP\2720\2720 Reply Brief.wpd